IN THE HIGH COURT OF BOMBAY A GOA

WRIT PETITION NO. 111 OF 1998.

Mr. Julio Fernandes,
major, married,
resident of House No. 340,
4th Ward, Colva, Salcete, Goa,
through his Power of Attorney,
Mrs. Rosalina Fernandes. .... Petitioner.

Versus

1. The Administrative Tribunal
   of Goa, Panaji, Goa.
2. The Deputy Collector,
   Margao – Goa.
3. The Joint Mamlatdar of
   Salcete, Margao, Goa.
4. Shri Gurudas Amerkar,
   son of Anant Amerkar, major,
   married, resident of
   House No.337, 4th Ward,
   Colva, Salcete, Goa.
5. The Comunidade of Colva,
   Through its Procurador,
   having office at Colva,
   Salcete, Goa. .... Respondents.

Shri M.S. Sonak and Shri D. Pangam, Advocates for the Petitioner.

Shri S.S. Kantak with Ms. R. Chodankar, Advocates for the Respondent No.4.

CORAM: R.M.S. KHANDEPARKAR, J.

DATE: 13th JANUARY, 2006.

ORAL JUDGMENT:

By consent of the parties and in view of the decision of the Apex Court in ***V. Rajeshwari (Smt) v. T.C. Saravanabava*** reported in (2004) 1 S.C.C. 551 without expressing any opinion on any of the issues sought to be raised in the matter, the impugned Judgment is hereby set aside and the matter is remanded to the Mamlatdar of Salcete to deal with the matter afresh in relation to the objection sought to be raised on behalf of the respondents in relation to the applicability of res judicata. The parties would be entitled to place before the Mamlatdar whatever materials they so desire in support of the rival contentions.

2. Considering the matter relates to the year 1993, the Mamlatdar to expedite the hearing of the matter and shall dispose of the objection in accordance with the provisions of law on or before 30th June, 2006. With these directions, the petition is disposed of with no order as to costs. Rule stands discharged.

R.M.S. KHANDEPARKAR, J.

sl.